

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed April 2, 2004. In the Office Action, claims 16, 19, 23-24, 27, 31-32 and 35 were rejected under 35 U.S.C. §102(e) as being anticipated by Jones (U.S. Patent No. 6,453,355). In addition, claims 17-18 and 25-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jones and claims 20-22, 28-30 and 33-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jones in view of Blackketter (U.S. Patent No. 6,560,777). Applicant respectfully traverses these rejections in their entirety as well as the Official Notices set forth in the Office Action.

Rejection Under 35 U.S.C. § 102

Claims 16, 19, 23-24, 27, 31-32 and 35 were rejected under 35 U.S.C. § 102(b) as being anticipated by Jones. Herein, claims 17 and 25 have been placed into independent format to include the limitations of claims 16 and 24, respectively. Claims 16 and 24 have been cancelled without prejudice.

As the Examiner is aware, to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Vergegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). Claim 31 has been amended to include the limitation that the announcement is made prior to the video program or enhancement as well as the fact that the announcement is compliant with an Advanced Television Enhancement Forum (ATVEF) standard.

As a result, Applicant respectfully requests that the Examiner withdraw the outstanding §102(b) rejection.

Rejections Under 35 U.S.C. § 103

Claims 17-18 and 25-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jones. Applicant respectfully traverses the rejection and submits that a *prima facie* case of obviousness has not been established. Moreover, Applicant respectfully traverses the Official Notice. The existence of the ATVEF does not, by itself, suggest modification of the digital processing system of Jones. In accordance with MPEP §2144.03, Applicant respectfully requests the Examiner to point out such suggestion in Jones and, thereafter, reconsider and withdraw the §103(a) rejection of claims 17-18 and 25-26.

Claims 20-22, 28-30 and 33-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jones in view of Blackketter. Applicant respectfully traverses the rejection and submits that a *prima facie* case of obviousness has not been established. Moreover, Applicant respectfully traverses the Official Notice. The existence of the UUID does not, by itself, suggest modification of the digital processing system of Jones to utilize the UUID as an identifier within the announcement. In accordance with MPEP §2144.03, Applicant respectfully requests the Examiner to point out such suggestion in Jones and, thereafter, reconsider and withdraw the §103(a) rejection of claims 20-22, 28-30 and 33-34.

Conclusion

Applicant respectfully requests examination of the pending claims at the Examiner's earliest convenience.

Respectfully submitted,

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Date: June 2, 2004


Susan McFarlane

June 2, 2004

Date